

18228. Misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$150. (F. & D. No. 25691. I. S. Nos. 023422, 023445.)

Samples of butter contained in 1-pound cartons, and consisting of alleged quarter-pound cubes, from the lots herein described having been found to contain less than the declared net weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On April 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Mutual Creamery Co., a corporation, trading at Seattle, Wash., alleging that on or about May 13, 1930 and June 27, 1930, the said company delivered at Seattle, Wash., for shipment into the Territory of Alaska, quantities of butter, which was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Maid O'Clover * * * Butter * * * One Pound Net * * * Manufactured & Distributed by Mutual Creamery Company;" (wrapper) "Net Weight Four Ounces."

It was alleged in the information that the article was misbranded in that the statement, to wit, "One Pound Net," borne on the carton, and the statement, to wit, "Net Weight Four Ounces," borne on the wrapper, were false and misleading in that the said statements represented that each of the cartons contained 1 pound net of butter, and that each of the wrappers contained 4 ounces net of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cartons contained 1 pound of butter, and that each of the wrappers contained 4 ounces of butter; whereas the carton and wrapper did not contain the amount declared on the label, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 4, 1931, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18229. Adulteration and alleged misbranding of evaporated apples. U. S. v. 24 Cases of Evaporated Apples. Default decree of destruction. (F. & D. No. 25676. I. S. No. 13937. S. No. 3958.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On January 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cases of evaporated apples at Lebanon, Mo., alleging that the article had been shipped by Claypool & Hazel from Springdale, Ark., on or about October 4, 1930, and had been transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Morning Glory Brand, Evaporated Apples, Packed by Claypool and Hazel, Springdale, Ark."

It was alleged in the libel that the article was adulterated in that partially evaporated apples had been substituted for evaporated apples.

Misbranding was alleged for the reason that the designation "Evaporated Apples," appearing on the label, was false and misleading and deceived and misled the purchaser when applied to partially evaporated apples.

On May 1, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18230. Adulteration of canned sardines. U. S. v. 300 Cases of Canned Sardines. Consent decree of condemnation entered. Product ordered destroyed. (F. & D. No. 25215. I. S. No. 13415. S. No. 3481.)

Samples of canned sardines from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On October 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 cases of canned sardines, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Brawn Co., from Portland, Me., on or about August 20, 1930, and had been

transported from the State of Maine into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Commercial Brand [or "Casco Brand"] American Sardines * * * The Brawn Company, Portland, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 1, 1930, claim and answer having been filed in the case, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal, the decree providing, however, that the product might be released to the claimant upon payment of costs and the execution of a bond, conditioned in part that it be disposed of in a manner approved by this department and in accordance with the provisions of the Federal food and drugs act.

On February 25, 1931, the claimant having failed to comply with the terms of the decree, the court ordered that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18231. Adulteration and misbranding of jellies. U. S. v. Cedric R. Merrifield and the Pacific Manufacturing Co. (C. R. Merrifield & Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 25039. I. S. No. 019247.)

Examination of samples of jellies from the shipment herein described showed that they were imitation fruit jellies, that artificial color was present in the raspberry and strawberry jellies, that the flavor of the raspberry jelly was artificial, and that the remaining jellies did not have the characteristic flavor of the fruit.

On March 18, 1931, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Cedric R. Merrifield, an individual, and the Pacific Manufacturing Co., a corporation, Seattle, Wash., alleging shipment by said defendants under the name of C. R. Merrifield & Co., in violation of the food and drugs act, on or about October 12, 1929, from the State of Washington into the State of Oregon, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: "Merrifield's * * * Raspberry [or "Strawberry" or "Loganberry" or "Blackberry"] Pectin Jelly acid added C. R. Merrifield & Co. Seattle, Wash."

It was alleged in the information that the articles were adulterated in that imitation raspberry jelly containing added and undeclared artificial color and flavor had been substituted for raspberry pectin jelly; imitation loganberry jelly had been substituted for loganberry pectin jelly; imitation strawberry jelly containing added and undeclared artificial color, had been substituted for strawberry pectin jelly; and imitation blackberry jelly had been substituted for blackberry pectin jelly.

Misbranding was alleged for the reason that the statements, "Raspberry Pectin Jelly," "Strawberry Pectin Jelly," "Loganberry Pectin Jelly," and "Blackberry Pectin Jelly," respectively, borne on the jars containing the articles, were false and misleading in that the said statements represented that the articles consisted solely of the jellies named; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted solely of the jellies named; whereas they did not so consist, in that they were imitation jellies, and the raspberry pectin jelly contained added and undeclared artificial flavor and color, and the strawberry pectin jelly contained added and undeclared artificial color. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On April 8, 1931, a plea of guilty was entered by the defendant, Cedric R. Merrifield, and also on behalf of the defendant, the Pacific Manufacturing Co., and the court imposed a single fine upon both defendants of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18232. Adulteration of canned pimientos. U. S. v. 307 Cases of Pimientos. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25493. I. S. Nos. 8199, 8200. S. No. 3739.)

Samples of pimientos in jars from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.